1946

File No (1) University/46

Legal Dept

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Subject:

Opinions under Ut.

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C O N T E N T S

Legal Department File No. O.University /1946.

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EKH.9/7/

Office of the R.L.A.

The question referred to the R.L.A. for consideration is whether it is incumbent on the Bombay Government to recognise the degrees and diplomas granted by the Benares Hindu University and the Aligarh Muslim University even if Government is not satisfied about their intrinsic values.

The Benares Hindu University Act,1915 and the Aligarh Muslim University Act,1920, being being Acts of the Central Legislature are binding on the Bombay Government (see section 99(1) of the Government of India Act,1935). Section 16 of the Benares Hindu University Act, 1915 provides:-

"The degrees, diplomas certificates and other academic distinctions granted by the University, shall be recognised by any Government in British India to the same extent and in the same manner as the corresponding degrees, diplomas certificates and other academic distinctions granted by any act of the Central Legislature."

Section 6 of the Aligarh Muslim University Act 1920, lays down:-

"The Degrees, diplomas and other academic distinctions granted or conferred to or on persons by the University shall be recognised by any Government in British India as are the corresponding degrees, diplomas and other academic distinctions granted by any other University incorporated under any enactment.

The degrees diplomas and academic distienctions granted by the Aligarh Muslim University will have therefore to be recognised by the Bombay Government as are the corresponding degrees, diplomas and academic distinctions granted by the Bombay University under the Bombay University Act,1928. So far as the recognition of the degrees diplomas and academic distinctions granted by the Benares Hindu University is concerned, it is true that the Bombay University Act, 1928, is not an Act of the Central Legislature within the meaning of section 16 of the Benares Hindu University Act; but the degrees, diplomas and academic distinctions granted by the University are required to be considered as equivalent to the degrees, diplomas

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and academic distinctions granted under the Algarh Muslim University Act, which is an Act of the Central Legislature. Since the degrees, diplomas and academic distinctions granted by the Aligarh Muslim University have to be recognised by the Bombay Covernment, by parity of reasining the degrees, diplomas and academic distinctions granted by the Benares Hindu University will have also to be recognised by the Bombay Covernment. It would not open to the Bombay Government to consider the intrinsic value of the degrees, diplomas and academic distinctions granted by those Universities.

Sd/ R.T.K.

For Remembrancer of Legal Affairs.

U.R. to P.& S.D.No.514, dated the 21st January 1946.

EKN.7/7/

Office of the R.L.A.

The question for consideration is whether Regulation in Chapter XXXIII of the Hand Book of the University of Bombay (at p.103) in any way affects the R. L.A's opinion No.514 dated 21/1/1946.

Section 16 of the Benares Hindu University Act, 1915 and section 4 of the Aligarh Muslim University Act,1920, provide for the recognition by any Government, in British India of the degrees, diplomas and other academic distinctions granted or conferred to or on persons by those Universities. ~~Regulation 1 of the other academic distinctions granted or conferred to or on persons by those Universities.~~ Regulation 1 of the ~~xxxxxxxxx~~ University of Bombay provides for the recognition by the Bombay University of the examinations of other Universities as equivalent to the corresponding examinations of the Bombay University subject to certain conditions. It is therefore apparent that section 16 of the Benares Hindu University Act and section 4 of the Aligarh University Act, and Regulation 1 of the University of Bombay provide for different purposes. If the Regulations of the Bombay University which are framed under section 24(h) of the Bombay University Act are read together, it appears that the object of Regulation 1 is to allow students of other Universities to be admitted to the Bombay University. The institution and conferment of degrees and the grant of diplomas, licenses, titles and marks of honour are provided for by section 29 of the Bombay University Act; and to be entitled to those degrees, diplomas etc. the students must pass the examinations of the Bombay University.

In the circumstance, I do not think that Regulation 1 of the Bombay University is in any way inconsistent with or repugnant to section 16 of the Benares Hindu University Act or section 4 of the Aligarh Muslim University Act. That Regulation does not therefore affect the R.L.A's opinion No.514, dated 21-1-1946.

Sd/

Remembrancer of Legal Affairs.

U.R. to P.& S.D. No.3325 dated 4/5/46.

EKN.7/7/

Office of the R.L.A.

The question referred to the R.L.A. for consideration is whether it would be sufficient compliance with the provisions of sub-section (4) of section 39 of the Bombay University Act,1928, to say that Government refuses affiliation because the University has not recommended it or whether the reasons have to be related to the items listed in sub-section (1) of section 39.

"Section 39 does not make it obligatory on the Syndicate to report to the Senate that a College should be affiliated or reaffiliated if the provisions contained in sub-section (1) are complied with. Nor is it obligatory on the Senate to record an opinion that a college should be affiliated or reaffiliated if the provisions contained in sub-section (1) are complied with. It is open to the relative authorities concerned to report against granting an application for affiliation or reaffiliation or to refuse the application for an affiliation or reaffiliation notwithstanding the fact that the requirements of sub-section (1) are satisfied or complied with" (See A.G.'s opinion No. 8 dated 8-4-1944). It is, therefore, clear that the grounds of refusal of the application for affiliation under sub-section (4) need not be relatable to any of the conditions mentioned in clauses (a) to (h) of sub-section (1) of section 39. But what is contemplated by sub-section (4) is that Government, after perusal of the application and all proceedings, come to an independent conclusion and that if application for affiliation is refused, the applicant must know the grounds of such refusal by Government. To refuse affiliation merely for the reason that the University has not recommended it would not sufficiently disclose any material ground for Government's decision. It is, therefore, necessary that Government should state its grounds

for.....

for refusal of the application; but these grounds need not necessarily be relatable to any of the conditions mentioned in clauses (a) to (h) of sub-section (1) of section 39. It will suffice if Government explains that after considering the Enquiry Committee's report and recommendation of the Senate it has decided not to grant affiliation.

Sd/

Remembrancer of Legal Affairs.

U.R. to E.D.No.3461, dated the 9th May 1946.

MKN.7/7/

Office of the R.L.A.

Statement of Case.

The Maharashtra Education Society at Poona applied to the Registrar, University of Bombay for affiliation of its college at Poona from June 1946 for teaching courses leading upto the Intermediate Science Examination and the B.A. Examination in certain subjects. A Local Inquiry Committee was appointed which submitted its report and this report was considered by the Academic Council, the Syndicate and the Senate at their meetings; and the Senate passed a resolution that the proposed College should be affiliated for teaching courses of study leading up to (i) B.A. Examination (Pass and Honours) in English and Marathi and (ii) the Intermediate Science Examination in Physics, Chemistry, Mathematics and Biology for a period of two years from the 20th June 1946 subject to the fulfilment of the conditions mentioned in their Resolution. The application was thereafter submitted to Government with all the necessary proceedings whereupon Government by its letter No. 7790/5892-E, dated the 17th June 1946 informed the Registrar as follows:-

> " In the case of the Maharashtra Education Society's College, Poona, Government proposes to sanction the affiliation for teaching courses of study leading up to the Intermediate Arts and Intermediate Science Examination in Physics, Chemistry Mathematics and Biology for a period of two years from 20th June 1946 subject to the fulfilment of the conditions prescribed by the Senate to the satisfaction of the Syndicate. Formal orders sanctioning affiliation will be issued in due course on receipt of intimation from you that the prescribed conditions have been fulfilled to the satisfaction of the Syndicate.
>
> 2. As regards the affiliation of the College, in respect of courses of study leading up to the B.A. (Pass and Honours) examination in English and Marathi, Government has accepted the principle of establishing a new university at Poona as recommended by the Maharashtra University Committee. The Committee

has.....

has also recommended that all the Colleges in Poona should be constituent units of the University and that graduate teaching in Poona should be undertaken by the University itself.

3. Pending Government's final decision in respect of the various issues relating to the constitution of the University at Poona, Government does not propose to sanction the affiliation of the Maharashtra Education Society's College for courses of study beyond the Intermediate classes leading to B.A. (Pass and Honours) Examination in English and Marathi."

The Vice-Chancellor of the University has taken objection to the grounds of refusal of the affiliation contained in the above letter. In his D.O. letter dated the 24th June 1946 to the Hon'ble Prime Minister he states:-

> "The decision taken by Government in this matter not to sanction the affiliation of the College for courses of studies leading up to B.A. Pass and Honours Examination in English and Marathi notwithstanding the recommendation of the senate, the Syndicate and the Academic Council appears to me to be very unusual especially as the reason given for adopting this course is something which is extraneous to section 39 of the Bombay University Act under which the application for affiliation was made.
>
> In his letter to the Registrar, the Deputy Secretary indicates that Governments have yet to take their final decision in respect of the various issues relating to the constitution of the University at Poona. To my mind it appears that, to say the least, it is not fair either to the sponsors of the College or to the University to refuse affiliation, not on the merits of the application but on the ground that certain decisions which Government have to take with regard to a University which is still to come into existence, are pending. In my opinion this has raised a very important question of principle, and I hope you will look into this matter yourself and see that the application is disposed of by Government strictly in accordance with section 39 of the Bombay University Act and without reference to extraneous consideration.

The question for consideration is whether it is competent for Government to refuse the affiliation of a College on any ground not strictly falling under a y of the items listed in sub-section (1) of section 39 of the Bombay University Act, 1928.

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In his opinion No.8 of 1944 dated the 8th April 1944 the Advocate General, Bombay (Sir N.P. Engineer) has held as follows:-

> "Section 39 does not in my opinion make it obligatory in the Syndicate to report to the Senate that a college should be affiliated or reaffiliated, if the provisions contained in sub-section (1) are complied with. Nor is it obligatory on the Senate to record an opinion that a college should be affiliated or reaffiliated if the provisions contained in sub-section (1) are complied with. Nor is it obligatory on the Provincial Government to grant an application for affiliation or reaffiliation if those provisions have been complied with. I am of opinion that it is open to the relative authorities concerned to report against granting an application for affiliation or reaffiliation or to record an opinion against such affiliation or reaffiliation or to refuse the application for an affiliation or reaffiliation notwithstanding the fact that the requirements of sub-section (1) are satisfied or complied with.

Relying on these observations of the Advocate General, Bombay, R.L.A. advised Government in his opinion No. 3461 dated the 9th May 1946 that grounds of refusal of the application under sub-section (4) need not be relatable to any of the conditions mentioned in clauses (a) to (h) of sub-section (1) of section 39, but that what is contemplated by sub-section (4) is that Government after perusal of the application and all proceedings, should come to an independent conclusion and that if application for affiliation is refused, the applicant must know the grounds of refusal. It appears therefore that the Government's refusal to affiliate to Maharashtra Education Society's College on the grounds mentioned in their letter to the Registrar will not be ultra vires the provisions of section 39.

As however, the matter is of great public importance the Advocate General, Bombay, is requested to favour Government with his opinion.

Sd/

Remembrancer of Legal Affairs.

U.R. to Advocate General, Bombay No.5159, dated 22nd July 1946.

EKN.9/7/

No.16 of 1946.

ADVOCATE GENERAL'S CHAMBERS,

HIGH COART,

Bombay, 3rd August 1946.

U.R. to the Advocate General, Bombay, No.5159 dated the 22nd July 1946.

Subject:- Maharashtra Education Society's College Poona.

Re: Affiliation of - to the University of Bombay.

OPINION.

1) I agree with the view of the Remembrancer of Legal Affairs. There is no provision in the Act which expressly compels the grant of an application, for affiliation, if certain conditions are fulfilled. Section 39(3) says, Government "shall grant or refuse" which means it has an option to refuse and really the word, "shall" there means may.

2) I read the conditions in Section 39(1) as the "minimum" conditions. Section 39(2) provides for any enquiry, - such enquiry may result in facts outside the conditions in — section 39(1) which may render a grant of the application, undesirable.

3) In my opinion there is nothing in the Section which - correlates 39(4) to 39(1) or renders it essential that the rounds of refusal must necessarily be confined to the items in Section 39(1).

Sd/

Advocate General.

EKN.9/7/

Office of the R.L.A.

In pursuance of Statute 130, the Vice-Chancellor, in anticipation of vacancies which were to occur by efflux of time on the 4th August 1946, arranged to hold election of five members of the Senate by the Constituency of Registered Graduates. As required by clause (a) of Statute 137, ~~attached~~ the notice of election by the Constituency of Registered Graduates was published. Under Statute 138, 6th July 1946 was fixed as the last date for submission of nomination papers and under Statute 141, 8th July 1946 was fixed for the scrutiny of nomination papers. It appears that nine candidates have been duly nominated for election one of whom is Mr.K.T.Shah.

Under Statute 129, the Vice Chancellor fixed the 29th July 1946, as the date for the election of five members of the Senate. He had however to postpone the date of election from 29th July to 15th August, and subsequently to 2nd September 1946, on account of the Postal strike.

In the meanwhile it appears that under section 13 (1) (II) B of the Bombay University Act,1928, the Chancellor nomicated Mr.K.T.Shah as a Fellow in place of Mr.P.B.Advani, whose term of office as nominated Fellow was to expire on 4th August 1946.

On these facts, the following questions have been submitted to the Chancellor for his decision under section 47(1) of the Bombay University Act,1928.

(1) Whether, in the circumstances mentioned Mr.K.T.Shah can be permitted to withdraw his candidature for election by the Registered Graduates' constituency at this stage, notwithstanding the provisions of Statute 140.

(2) Whether the Vice-Chancellor has any power to cancel the nomination of Mr.K.T.Shah as a candidate duly nominated for election by the Registered Graduates' constituency, in view of his nomination by the Chancellor under section 13/

(3).....

(3) If the answers to (1) and (2) are in the nega whether Mr.K.T.Shah is entitled to continue as a candidate duly nominated for election by the Registered Graduates' Constituency inspite of his having been nominated by the Chancellor as a Fellow with effect from the 4th August, 1946.

(4) If the answer to question (3) is in the affirmative, whether the votes cast by electors in favour of Mr.K.T.Shah should be taken into account by the scrutineers on the basis that he is a 'continuing candidate' or whether the scrutineers should disregard the votes cast in favour of Mr.K.T. Shah and treat the said votes as having been cast in favour of a candidate who has ceased to be a 'continuing candidate' as defined by Statute 128(2);

(5) Whether, in the event of it being held that Mr.K.T.Shah is entitled to continue as a candidate for election and of his being elected, he would be entitled to continue as an elected candidate notwithstanding his nomination by the Chancellor;

(6) Whether the Fellow elected by the Registered Graduates' Constituency on the 2nd September, 1946, will come into office with effect from the 4th August,1946, which was the date orginally fixed for election or from the 2nd September, 1946;

(7) Whether, in the event of it being held that Mr.K.T. Shah is not entitled to continue as a candidate for election, or to hold office as an elected Fellow on account of his nomination by His Excellency the Chancellor, the deposit of Rs.250/- made by him at the time of the nomination can be returned to him.

Question (1). Statute 140 provides that at any time before the date and hour fixed as the last day and hour for the receipt of nominations, it shall be open to a candidate to withdraw, from an election, provided that the condidate wishing to withdraw, sends in to the Registrar so as to reach him before the day and Hour fixed as aforesaid, an intimation of withdrawal in writing signed by the candidate and attested in the manner prescribed by Statute 144. At University elections a candidate may at any time on the day fixed for nomination, but not afterwards, withdraw by giving notice to that effect, signed by him, to the returning officer..... Every person whose nomination paper has been delivered to the returning officer (and his candidature has not been, or is not deemed to be, withdrawn) during the time appointed for the election

must.....

must be deemed to have been nominated in the prescribed manner, unless objection is made to his nomination paper by the returning officer or some other person before the expiration of the time appointed for the election etc." (Halsbury's Laws of England 2nd Ed.Vol.12 pp.253-54 paras. 510 and 512). As the nomination paper was not withdrawn by Mr.Shah before the 6th July 1946, in the manner prescribed by Statute 140, he must be deemed to be a duly nominated candidate for election. Having been duly nominated for election there is no provision in the Act or Statutes enabling Mr.K.T.Shah subsequently to withdraw his candidature by reason of his being nominated as Fellow by the Chancellor.

Question (2).- The powers of the Vice Chancellor are specified in section 11 of the Bombay University Act,1928. Under clause (c) of section 11, he shall preside when present at the meetings of the Syndicate, and exercise such other powers as may be conferred on him by the Act, the Statutues, Ordinances and Regulations. Apart from Statutes 139 and 141, there is no provision either in the Act or the Statutes which confers on the Vice-Chancellor the power to cancel the nomination of a candidate who is declared duly nominated after proper scrutiny of nomination papers under Statutue 141.

Questions 3 and 4:- In the absence of any provision either in the Act or the Statutes permitting a candidate to withdraw his candidature or empowering the Vice-Chancellor to remove him from the list of nominated candidates after the last date and hour fixed under Statute 140 for the receipt of nominations. Mr.K.T.Shah will have to be allowed to continue as a candidate . But section 16(2) of the Bombay University Act provides that an ordinary fellow who was vacated his office may subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow. It is apparent from this provision that as Mr.K.T.Shah has since been nominated as Fellow of the Senate, he is disqualified

from. .....

from being elected to the Senate. The anomalous position would therefore be that Mr.K.T.Shah, though since disqualified from being elected to the Senate, cannot withdraw his candidature, nor can his name be removed by the Vice-Chancellor from the List of the validly nominated candidates. In Ramanjulu Naidu v.Pathasarathy Iyengar 128 I.C.617) it has been held that the common law of England relating to the Parliamentary election and the principles which underlie that law may be invoked if they appear to the Court to be in conformity with the rules of justice, equity and good conscience. "If a candidate, who does not withdraw, is for any reason disqualified to be a candidate and the other candidate desires that all votes given for the candidate as having been thrown away - i.e. treated as null and void as though they had never been given- a notice of the disqualification must be published to the electors" (Halsbury Vol.12 p.285). In Gosling v.Veley (1847, 7 Q.B.406) it was held:

> "The rule of law in corporate and other elections is, that where an elector before voting receives due notice that a particular candidate is disqualified, yet will do nothing but tender his vote for him he must be taken voluntarily to abstain from exercising his franchise; and therefore however strongly he may in fact dissent, and in however strong terms he may express his dissent, he must be taken to assent to the election of the opposing and qualified candidate, for he will not take the only course by which it can be resisted, that is, the helping of the election of some other person. If the disqualification depends upon a fact which may be unknown to the elector, he is entitled to notice, but if the disqualification be of the sort where notice is to be presumed, none need expressly be given."

A similar question arose in Re Tipperary cases, Morton v.Cahalan, Moore v.Scully and Cahalan (1875, I.R. 9 C.L.217) where the facts were :- In 1848 M was convicted in Ireland of treason-felony and sentenced to transporation for fourteen years, but he escaped within that period and did not, by undergoing his sentence or obtaining pardon, or in any other way remove the disabilities created, by his conviction and sentence; in 1853 he was naturalised as a citizen of the United States and was at the time of his election in 1875 a natural born British subject who had become

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an alien. M was disqualified to be elected as a member of the House of Commons. Notice of his disqualification has been brought home to the electors who voted for him. It has held: Their votes were thrown away and the rival candidate though numerically in a minority was entitled to the seat.

Applying the principle stated in the aforesaid cases to the present case it is apparent that Mr.K.T.Shah who has since been nominated an Fellow is disabled from being elected as Fellow and his nomination as Fellow being published in the Government Gazettee (see section 17 which implies publication of the names of nominated and elected Fellows) his disqualification can be deemed to be known to all the electors. Consequently notwithstanding such knowledge, if the electors choose to cast their votes in his favour, they would do so at their own risk and their votes would be considered as wasted. The scrutineers should disregard the votes cast in favour of Mr.K.T.Shah and declare the results of election. If however before the date fixed for election i.e. 2nd September 1946 Mr.KT.Shah elects to resign his office as a nominated Fellow, the complications arising from his disqualification will disappear and there will be no legal bar to his election by the Constitutency of Registered Graduates.

Question 5:- In view of the reply to question 4 this question does not survive.

Question 6:- Section 16(1) provides that the Ordinary Fellows shall, save, as herein otherwise provided hold office for five years. The tenure of office of an Ordinary Fellow therefore automatically begins as soon as he is elected or nominated and terminates at the end of five years. It is for this reason that provisions have been made in section 49 that no act or proceedings of any authority or other body of the University shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification or invalidity.....

invalidity in the ~~xxx~~ election or appointment of any de facto member of the body whether present or absent. The Fellows elected by the Registered Graduates will therefore come into office with effect from the 2nd September 1946 on which date the results of the election will be declared.

Question 7:- Clause (2) of Statute 140-A provides that the said deposit shall be forfeited to the University if the candidate is not elected and the number of votes credited to him at the last count before the last of the successful candidates is elected is less than one-eighth of the ~~xx~~ quota. Clause (3) lays down that the said deposit shall be returned -

(a) if the candidate is elected ; or

(b) if he duly withdraws his candidature, or

(c) if his nomination is declared invalid, or

(d) if he dies before the date fixed for scrutiny of votes or

(e) if the candidates is not elected and the deposit has not been forfeited under clause (2) hereof.

It is obvious that Mr.K.T.Shah's deposit cannot be forfeited as the conditions of clause (2) of Statute 140-A have not been complied with. His case will presumably fall under (e) of clause 3 and he will therefore be entitled to the return of his deposit.

Sd/-

Remembrancer of Legal Affairs.

U.R. to E.D.No.429-P, dated the 27th August 1946.

EKN.9/7/

No,4933/9201-E

Educational Department.

Camp Office, Poona, 30th August 1946.

From

M.D.Bhansali Esqur.,I.C.S.,

Secretary to Government of Bombay,

Educational Department.

To

The Registrar,

University of Bombay.

Sir,

I am directed to invite reference to your letter No.19871 dated the 9th August 1946 submitting certain questions for the decision of His Excellency the Chancellor under section 47(1) of the Bombay University Act and to state that His Excellency the Chancellor has decided the questions as follows:-

Questions(1) and (2) - The answers are in the negative.

Question (3) - Mr.Shah is not eligible for election in view of section 16(2) of the Bombay University Act.

Question (4) - As Mr.Shah is ineligible for election, the entry of his name by an elector on a ballot/paper should be treated as null and void and the ballot paper taken as one cast in favour of the next candidate, if any.

Question(5)- Does not arise.

Question (6) - The Fellows elected by the Registered Graduates will come into office with effect from the 2nd September 1946.

Question (7) - Mr.K.T.Shah's deposit cannot be forfeited as the conditions of clause (2) of Statute 140-A have not been complied with. His case will fall under (c) of clause (3) and he will be entitled to the return of his deposit.

Your obedient servant,

Sd/ M.D.Bhansali.

Secretary to the Government of Bombay,
Educational Department.

No.4933/9201 -E

Educational Department,

Camp Office, Poona, 30th August 1946.

Copy forwarded to the Remembrancer of Legal Affairs for information with reference to his unofficial reference No.429-P dated the 27th August 1946.

By order of the Governor of Bombay,

Sd/

Secretary to the Government of Bombay,
Educational Department.

EKH.9/7/

Office of the R.L.A.

Mr. R.N. Vakil who ceased to be a Fellow and a member of the Academic Council and the Board of Studies in Teaching on the 4th August 1946, was re-elected a Fellow by the Registered Graduates constituency in the election held on the 2nd September 1946. In view of the ruling of His Excellency the Chancellor that the Fellows elected by the Registered Graduates constituency would come into office with effect from the 2nd September 1946 and the provisions of section 15(3) of the Bombay University Act, 1928, the Registrar informed Mr.Vakil that he had ceased to be a member of the Academic Council and the Board of Studies in Teaching. Thereupon Mr.Vakil made a representation to the effect that if the attention of H.E. the Chancellor had been specifically drawn to the hardships to which the re-elected Fellows would be subjected, if their new term of office did not commence with the expiry of their old term of office, he might have made a distinction between the newly elected and re-elected Fellows or suggested some way out as would have avoided the injustice done to the re-elected Fellows on account of the postponement of the date of election more than once.

2. The question referred to the R.L.A. for consideration is whether any distinction as regards the date of assuming office could have been made in the case of Mr.Vakil.

3. Sub-section (1) of section 16 of the Bombay University Act provides that the ordinary Fellows shall, have as herein otherwise provided, hold office for five years. Mr.Vakil's term of office expired on the 4th August 1946, and in view of the provisions of section 15(3) of the Act he ceased to be a member of the Academic Council and the Board of Studies in Teaching. Mr.Vakil was re-elected a

Fellow.....

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Fellow on the 2nd September 1946. When a fellow is re-elected on a particular date, his assumption of office by reason of the re-election cannot operate with retrospective effect. There is no provision in the Act which enables the Chancellor to make a distinction between a newly elected Fellow and a re-elected Fellow in the matter of the date of assuming office.

Sd/

Remembrancer of Legal Affairs.

U.R., to E.D.'s 8664, dated the 2nd December 1946. EKM.9/7/